

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

KRISTA PINE, M.D.

**Physician's and Surgeon's
Certificate No. A 83147**

Respondent

Case No. 8002014007893

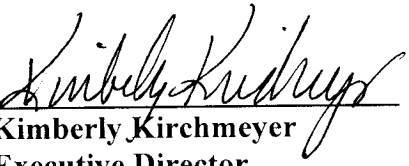
DECISION AND ORDER

The attached Stipulated Surrender of License is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 21, 2015.

IT IS SO ORDERED April 14, 2015.

MEDICAL BOARD OF CALIFORNIA

By: 
Kimberly Kirchmeyer
Executive Director

1 KAMALA D. HARRIS
Attorney General of the State of California
2 JANE ZACK SIMON (SBN 116564)
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5 *Attorneys for Complainant*
6 *Medical Board of California*

7
8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 **In the Matter of the Accusation Against:**

13 **KRISTA PINE, M.D.**
1953 Pine Cone Lane
Hayes, VA 23072

14 Physician's and Surgeon's Certificate No. A83147

Case No.: 800-2014-007893

**STIPULATED SURRENDER OF
LICENSE**

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
17 proceeding, that the following matters are true:

18 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical
19 Board of California. This action has at all times been maintained solely in the official capacity of
20 the Executive Director of the Medical Board of California, who is represented by Kamala D.
21 Harris, Attorney General of the State of California, by Jane Zack Simon, Supervising Deputy
22 Attorney General.

23 2. Krista Pine, M.D. (Respondent) is representing herself in this proceeding, and has
24 consulted with her Virginia attorney, Michael L. Goodman.

25 3. Respondent has received, read, discussed with her Virginia counsel and
26 understands the Accusation which is presently on file and pending in case number 800-2014-
27 007893 (Accusation) a copy of which is attached as Exhibit A.

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1 4. Respondent has carefully read, discussed with her Virginia counsel and
2 understands the charges and allegations in the Accusation. Respondent also has carefully read,
3 discussed with her Virginia counsel and understands the effects of this Stipulated Surrender of
4 License (Stipulation.)

5 5. Respondent is fully aware of her legal rights in this matter, including the right to a
6 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
7 her own expense; the right to confront and cross-examine the witnesses against her; the right to
8 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
9 compel the attendance of witnesses and the production of documents; the right to reconsideration
10 and court review of an adverse decision; and all other rights accorded by the California
11 Administrative Procedure Act and other applicable laws.

12 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
13 every right set forth above.

14 7. Respondent agrees that based on the action of the Virginia Board of Medicine as
15 alleged in the Accusation, cause exists to discipline her California physician's and surgeon's
16 certificate pursuant to Business and Professions Code sections 141 and 2305. Respondent lives
17 and practices in Virginia and has no present plans to relocate to California; she wishes to
18 surrender her California license at this time.

19 8. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation
20 for Surrender of License shall be subject to the approval of the Board. Respondent understands
21 and agrees that the Medical Board's staff and counsel for Complainant may communicate directly
22 with the Board regarding this Stipulation without notice to or participation by Respondent or her
23 Virginia counsel. By signing this Stipulation, Respondent understands and agrees that she may
24 not withdraw her agreement or seek to rescind the Stipulation prior to the time the Board
25 considers and acts upon it. In the event that this Stipulation is rejected for any reason by the
26 Board, it will be of no force or effect for either party. The Board will not be disqualified from
27 further action in this matter by virtue of its consideration of this Stipulation.

28 ///

9. Upon acceptance of this Stipulation by the Board, Respondent understands that she will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in her possession before the effective date of the decision.

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

11. Respondent fully understands and agrees that if she ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and Respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

12. Respondent understands that she may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of her surrender. Information gathered in connection with Accusation number 800-2014-007893 may be considered by the Board in determining whether or not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in Accusation number 800-2014-007893 shall be deemed to be admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute of limitations.


13. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License, and have discussed it with my Virginia counsel. I enter into it freely and voluntarily and with full knowledge of its force and effect do hereby surrender my Physician and Surgeon's Certificate Number A83147 to the Medical Board of California, for its formal acceptance. By signing this stipulation to surrender my license, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and surgeon in the State of California and I also will cause to

1 be delivered to the Board any license and wallet certificate in my possession before the effective
2 date of the decision.

3 DATED: 2/6/2015

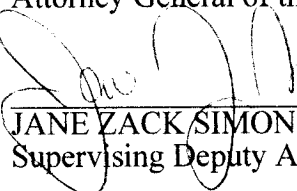

4 **KRISTA PINE, M.D.**
5 *Respondent*

6 **ENDORSEMENT**

7 The foregoing Stipulated Surrender of License is hereby respectfully submitted for
8 consideration by the Medical Board of California.

9 DATED: 3/10/15

10 **KAMALA D. HARRIS**
11 **Attorney General of the State of California**

12 
13 **JANE ZACK SIMON**
14 **Supervising Deputy Attorney General**

15 *Attorneys for Complainant*

Exhibit A

KAMALA D. HARRIS
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 800-2014-007893

KRISTA PINE, M.D.
1953 Pine Cone Lane
Hayes, VA 23072

A C C U S A T I O N

Physician's and Surgeon's Certificate No.
A83147

Respondent.

The Complainant alleges:

1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board of California, Department of Consumer Affairs, and brings this Accusation solely in her official capacity.

2. On May 14, 2003, Physician's and Surgeon's Certificate No. A83147 was issued by the Medical Board of California to Krista Pine, M.D. (Respondent.) The certificate is renewed and current with an expiration date of April 30, 2015.

JURISDICTION

3. This Accusation is brought before the Medical Board of California (Board) under the authority of the following sections of the California Business and Professions Code (Code) and/or other relevant statutory enactment:

1 A. Section 2227 of the Code provides in part that the Board may revoke,
2 suspend for a period not to exceed one year, or place on probation, the license of any
3 licensee who has been found guilty under the Medical Practice Act, and may recover the
4 costs of probation monitoring.

5 B. Section 2305 of the Code provides, in part, that the revocation, suspension,
6 or other discipline, restriction or limitation imposed by another state upon a license to
7 practice medicine issued by that state, that would have been grounds for discipline in
8 California under the Medical Practice Act, constitutes grounds for discipline for
9 unprofessional conduct.

10 C. Section 141 of the Code provides:

11 “(a) For any licensee holding a license issued by a board under the jurisdiction
12 of a department, a disciplinary action taken by another state, by any agency of the
13 federal government, or by another country for any act substantially related to the
14 practice regulated by the California license, may be ground for disciplinary action
15 by the respective state licensing board. A certified copy of the record of the
16 disciplinary action taken against the licensee by another state, an agency of the
17 federal government, or by another country shall be conclusive evidence of the
18 events related therein.

19 “(b) Nothing in this section shall preclude a board from applying a specific
20 statutory provision in the licensing act administered by the board that provides for
21 discipline based upon a disciplinary action taken against the licensee by another
22 state, an agency of the federal government, or another country.”

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Discipline, Restriction, or Limitation Imposed by Another State)

25 4. On August 20, 2014, the Virginia Board of Medicine issued a Consent Order
26 regarding Respondent’s license to practice medicine in Virginia. The Consent Order contains
27 findings that between April 2011 and October 2013, Respondent prescribed a number of
28 controlled substances in the names of family members, outside a bona fide physician patient
 relationship. Respondent admitted that she diverted the controlled substances for her personal
 and unauthorized use. She also admitted that between November 2012 and January 2013, she
 prescribed drugs to a colleague and the colleague’s husband outside a bona fide physician patient
 relationship. Respondent admitted to a substance abuse problem. Respondent submitted to a

1 urine drug screen on October 22, 2013, which she stated would be positive only for clonazepam;
2 in fact, the drug screen confirmed the presence of clonazepam and a number of other narcotics
3 and benzodiazepines which were not prescribed for Respondent. Respondent entered in to a
4 Participation Contract with the Virginia Health Practitioner's Monitoring Program (HPMP) and
5 voluntarily enrolled in a residential treatment program. In May 2014, the HPMP approved
6 Respondent to return to practice.

7 Under the terms of the August 20, 2014, Consent Order, Respondent's Virginia license
8 was indefinitely suspended, with the suspension stayed. Respondent must remain in HPMP and
9 comply fully with the terms of her contract until she successfully completes the program. A copy
10 of the Consent Order issued by the Virginia Board of Medicine is attached as Exhibit A.

11 5. Respondent's conduct and the action of the Virginia Board of Medicine as set forth
12 in paragraph 4, above, constitute unprofessional conduct within the meaning of section 2305 and
13 conduct subject to discipline within the meaning of section 141(a).

14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board issue a decision:

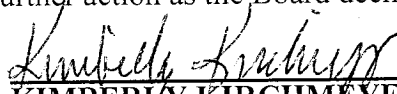
17 1. Revoking or suspending Physician's and Surgeon's Certificate Number A83147
18 issued to respondent Krista Pine, M.D.;

19 2. Revoking, suspending or denying approval of Respondent's authority to supervise
20 physician assistants;

21 3. Ordering Respondent, if placed on probation, to pay the costs of probation
22 monitoring; and

23 4. Taking such other and further action as the Board deems necessary and proper.

24 DATED: December 18, 2014


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California

27 Complainant
28

Exhibit A

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: KRISTA MIRANDA PINE, M.D.
License No.: 0101-244458

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Krista Miranda Pine, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Pine to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Krista Miranda Pine, M.D., was issued license number 0101-244458 by the Board to practice medicine and surgery in the Commonwealth of Virginia on September 24, 2008. Said license is currently active and will expire on April 30, 2016, unless renewed or otherwise restricted.

2. Dr. Pine violated Section 54.1-2915.A (1), (8), (12), (16), (17) and (18); Sections 54.1-3303(A) and 54.1-3408(A); Section 54.1-2915.A(10) of the Code, to include the felonies contained in Sections 18.2-250.A, 18.2-258.1(A) and (E); and 18VAC85-20-25 of the Board of Medicine General Regulations in that, by her own admission, and with the intent to evade the laws governing the sale, use and disposition of controlled substances, Dr. Pine, between April, 2011 and October, 2013, prescribed morphine sulfate, hydrocodone/APAP, oxycodone, hydromorphone, diazepam, and/or

clonazepam in the names of three family members, outside a bona fide practitioner patient relationship. Further, Dr. Pine admitted to the investigator from the Department of Health Professions in an interview on October 22, 2013 that, after prescribing the controlled substances for family members, she diverted the controlled substances for her personal and unauthorized use.

3. Dr. Pine violated Sections 54.1-2915.A(3), (13), (16) and (17), 54.1-3303.A and 54.1-3408.A of the Code, in that, by her own admission, between November, 2012 and January, 2013, she prescribed lorazepam, propranolol, and Advair to a colleague and metoprolol to the colleague's husband outside a bona fide practitioner patient relationship.

4. Dr. Pine violated Section 54.1-2915.A(2) and (14) of the Code, in that she is unfit to practice medicine and surgery with reasonable skill and safety to her patients and the public because of illness and substance abuse. Specifically:

a. By her own admission, Dr. Pine intermittently, over the five years prior to October of 2013, diverted narcotics and benzodiazepines prescribed for others for her personal and unauthorized use.

b. During an interview with an investigator from the Department of Health Professions on October 22, 2013, Dr. Pine admitted to a substance abuse problem, and stated that her drugs of choice were oxycodone and Klonopin (clonazepam). Dr. Pine further admitted to using non-prescribed morphine when not taking oxycodone.

c. At the request of an investigator from the Department of Health Professions, Dr. Pine submitted to a urine drug screen (UDS) on October 22, at which time she informed the investigator that the UDS would be positive only for clonazepam. In fact, the UDS confirmed the presence of clonazepam, nordiazepam, oxazepam, temazepam, morphine, hydromorphone, and oxycodone, none of which were being prescribed for Dr. Pine at that time.

d. Dr. Pine executed a Participation Contract with the Virginia Health Practitioners' Monitoring Program (HPMP) on October 22, 2013, and a Recovery Monitoring Contract with HPMP on February 26, 2014, in which Dr. Pine recognized that she may suffer from a chemical dependency that impairs her ability to practice her health profession safely.

e. On October 25, 2013, Dr. Pine voluntarily enrolled in a residential treatment program, with admission diagnoses including opioid dependency, continuous; and sedative, hypnotic or anxiolytic dependency. Dr. Pine successfully completed the program and at the time of her discharge on February 21, 2014, all but the bereavement diagnosis had been resolved and her aftercare plan included discharge to home and outpatient services.

f. By letter dated June 26, 2014, Dr. Pine's Case Manager, at the Counseling Center in Hampton, Virginia reported that Dr. Pine had completed her mental health and substance abuse evaluation assessment on March 3, 2014, after which she was recommended to complete a 26-week intensive outpatient substance abuse program; consisting of a weekly psychotherapy group,

weekly 12-step attendance, random urine drug screens and breath alcohol tests. Dr. Pine attended her first group session on March 12, 2014, and since that time she has attended 28 scheduled groups, recording no absences. Dr. Pine has tested negative on three urine drug screens and six breath alcohol tests, and her participation and compliance have been rated as good. Dr. Pine has also documented attendance at 32 of 32 required 12-step meetings to date.

g. By letter dated July 28, 2014, Dr. Pine's HPMP case manager reported that Dr. Pine has been fully compliant with HPMP since signing her Recovery Monitoring Contract on October 25, 2013 and that, following discharge from residential treatment on February 22, 2014, Dr. Pine has participated in aftercare, 12-step meetings, and toxicology screens. All treatment reports have been favorable and all screens have been negative. In May of 2014, HPMP approved Dr. Pine to return to practice.

h. Dr. Pine provided a letter of support from her current AA sponsor dated June 29, 2014 indicating that Dr. Pine is actively working the 12-step program for a strong recovery.

i. Dr. Pine's diagnoses require ongoing treatment and monitoring.

CONSENT

I, Krista Miranda Pine, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document, and I am represented by Michael Goodman, Esquire and Eileen Talamante, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

- a. the right to an informal conference before the Board; and
- b. the right to appear in person or by counsel, or other qualified representative before the agency;

4. I waive all rights to an informal conference;

5. I neither admit nor deny the truth of the above Findings of Fact contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and

6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that the license of Krista Miranda Pine, M.D., to practice medicine in the Commonwealth of Virginia is INDEFINITELY SUSPENDED, with said suspension STAYED pursuant to Dr. Pine's continuing compliance with the HPMP, as ordered below.

It is further ORDERED that Dr. Pine shall remain in HPMP and continue to comply fully with the terms of her contract(s), and any addenda thereto, until she successfully

completes the program. In accordance with Dr. Pine's contract, the Board will be notified of any noncompliance, dismissal or resignation from HPMP.

The stay of indefinite suspension granted hereunder may be summarily rescinded at such time as the Board is notified that Dr. Pine is not in compliance with the terms and conditions of the HPMP monitoring contract(s) or has been dismissed from the HPMP due to non-compliance.

Dr. Pine shall maintain a course of conduct in her practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

FOR THE BOARD:

for William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 8/20/14

SEEN AND AGREED TO:

Krista Miranda Pine, M.D.
Krista Miranda Pine, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF GLoucester, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 14th day of August, 2014, by Krista Miranda Pine, M.D.

